

MEMORANDUM

SUBJECT: Report of the Task Force on Coordinated Rulemaking

FROM: Michael Shapiro, Acting Deputy Assistant Administrator

Lisa Lund, Deputy Associate Administrator, Office of Reinvention Programs

TO: Peter Robertson, Acting Deputy Administrator

We are pleased to present you with the attached report of the Task Force on Coordinated Rulemaking. As you know, this Task Force was created to respond to a need identified in the FY 99 Sector Action Plan, which called for the Agency to identify and initiate sector-based rulemakings that would benefit from a cross-Agency, multi-program coordinated effort. The objectives of the Task Force were to: (1) analyze the experience of the Agency's past efforts in coordinated rulemakings to provide some perspective for the Task Force's mission; (2) select new coordinated rulemakings for inclusion in a Sector Action Plan being developed for FY 2000; and (3) propose an internal management process for determining future opportunities for coordinated rulemakings. The findings of the Task Force are summarized below.

1. *Our analysis of the Agency's previous coordinated rulemakings suggests that a coordinated effort for certain rules can be beneficial to avoid duplication and inconsistency and to coordinate pollution control/pollution prevention mechanisms; however, it is essential that the candidate rulemakings share similar time frames for development and that the rulemakings address similar facilities/sources, pollutants, or processes/operations. The Task Force identified only a limited number of anticipated or potential rulemakings in different media offices that are linked in this way (regardless of timing).*
2. *Coordinated rulemaking is a tool best applied before rulemakings begin rather than attempting to combine rulemaking efforts in progress. It is difficult to apply a coordinated approach to an existing docket of rulemakings in the program offices, particularly where time constraints such as court-order deadlines are driving the rulemaking agendas.*

3. *Rules can be coordinated in varying degrees along a continuum of activities ranging from basic information/data gathering, to regulatory/economic impact analyses, to implementation. Further, the analysis indicated that the degree of coordination within each of these activities along the continuum can vary from a low level of coordination (e.g., simple consultation between program offices) to a high level (i.e., a fully integrated effort between program offices).*
4. *The Task Force identified several potential sectors for multi-office coordination in rulemaking: mercury cell chloralkalai plants, animal feeding operations, and POTWs all appear to have high potential for rulemaking coordination at the information gathering stage. Multimedia, cross-office coordination is currently occurring on a radon-in-drinking water rule affecting public water systems. Petroleum refining may present future coordination opportunities, but this will depend significantly upon whether EPA determines that certain regulations for toxic air emissions from those sources are warranted. Those determinations, required by the Clean Air Act, have not yet been made.*
5. *In addition to rulemaking coordination potential in the sectors identified above, the Task Force concluded that successful coordination need not be limited to those efforts resulting in a rulemaking. While coordination in rulemaking may be a tool for solving identified problems, there may be non-regulatory approaches for solving problems that would benefit from cross-Agency coordination.*
6. *A process must be established to identify and encourage early, proactive coordination of rulemaking and non-rulemaking activities across the Agency. The Task Force recommends regular convening of a cross-Agency program, Office Director-level body to review and recommend emerging candidates for coordinated efforts and to interface with the Multimedia and Pollution Prevention Forum .*
7. *To encourage program office management and staff to consider cross-Agency coordinated efforts, the Agency should consider establishing an incentives program to reward individuals who actively pursue cross-Agency program coordination.*

The Task Force feels strongly that a proactive, coordinated strategy to rulemaking and other non-regulatory efforts affecting a particular sector or sectors is a smart, efficient, and cost-effective approach to solving environmental problems. We look forward to meeting with you to discuss these and other findings of the Task Force.

Attachment

cc: Reinvention Action Council

Coordinated Rulemaking Task Force
Multimedia and Pollution Prevention Forum

Coordinated Rulemaking Task Force

Chairs

Michael Shapiro, Acting Deputy Assistant Administrator/OSWER

Lisa Lund, Deputy Associate Administrator/OR

Members

Sheila Frace/OW

Tudor Davies/OW

Gailanne Cooper/OW

Amy Porter/OECA

Michael Stahl/OECA

Kathy Davey/OPPTS

Paul Matthai/OPPTS

Kathy Seikel/OPPTS

James Nelson/OGC

Wendy Oatis/OGC

Anita Schmidt/OAR

Doug Bell/OAR

Jim Ketcham-Colwill/OAR

Barbara Driscoll/OAR

Jeneva Craig/OAR

Donald F. Anderson/OAR

Barbara Hostage/OSWER

David Nicholas/OSWER

Elizabeth Cotsworth/OSW

Charlotte Bertrand/OSW

Carolyn Hoskinson/OSW

Andrew Teplitzky/OR

Greg Ondich/OR

Kate Sijtoff/OR

**Final Report to the Deputy Administrator
of the Agency Task Force on Coordinated Rulemaking**

July 16, 1999

Coordinated Rulemaking Task Force

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Lisa Lund, Deputy Associate Administrator/OR

Members

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Tudor Davies/OW
Gailanne Cooper/OW
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James Nelson/OGC
Wendy Oatis/OGC
Anita Schmidt/OAR
Doug Bell/OAR
Jim Ketcham-Colwill/OAR
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Jeneva Craig/OAR
Donald F. Anderson/OAR
Barbara Hostage/OSWER
David Nicholas/OSWER
Elizabeth Cotsworth/OSW
Charlotte Bertrand/OSW
Carolyn Hoskinson/OSW
Andrew Teplitzky/OR
Greg Ondich/OR
Kate Sijtoff/OR

Report of the Task Force on Coordinated Rulemaking

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1. Background on the Coordinated Rulemaking Task Force

Last year, Administrator Browner directed the Office of Reinvention to lead the Agency in development of an Action Plan to aid in implementation of an Agency-wide sector approach to environmental protection. Building on the lessons learned from the Common Sense Initiative (CSI) and other sector-based activities, the Sector-Based Environmental Protection (SBEP) Action Plan was to serve as a tool for enabling Agency decision-makers to determine when, where, and how to use sector-based approaches to effectively and efficiently solve environmental problems.

The CSI Council and senior Agency management approved the FY 99 SBEP Action Plan and it was officially released in January 1999. A copy of the Plan and related information on sectors can be found at www.epa.gov/sectors. The FY 99 Plan sought to integrate sector-based approaches throughout the Agency by encouraging Agency activity in three ways:

- (1) implementing sector-based approaches within Agency core functions (e.g., permitting, rulemaking, enforcement and compliance, solving regional problems, voluntary partnerships, research, international activities);
- (2) building internal management structure and processes that facilitate SBEP (e.g., sharing information, building analytical capacity); and
- (3) working with external stakeholders (e.g., creating and maintaining a Federal Advisory Committee Act (FACA) sponsored committee).

The plan identified coordinated rulemakings as a major action item under Category 1 above.

One month after release of the plan, the Agency's Reinvention Action Council (RAC) discussed with Acting Deputy Administrator Peter Robertson the need to identify new opportunities for coordinated rulemakings. These discussions led to the creation of an Agency Task Force on Coordinated Rulemakings. Michael Shapiro, Acting Deputy Assistant Administrator of the Office of Solid Waste and Emergency Response (OSWER), was asked to chair the Task Force with assistance from the Office of Reinvention. The main objectives of the Task Force were to: (1) analyze the experience of the Agency's past efforts in coordinated rulemakings; (2) recommend new candidate rulemakings for inclusion in the FY 2000 SBEP Action Plan; and (3) recommend a new approach to permanently integrate this kind of coordination into the Agency's rulemaking process.

To meet these objectives, the Task Force engaged in a series of meetings beginning on April 14, 1999. The Task Force was composed of representatives from all of the major Agency program offices, including the Office of Solid Waste and Emergency Response (OSWER), Office of Water (OW), Office of Air and Radiation (OAR), Office of Pollution Prevention and Toxic Substances (OPPTS), Office of General Counsel (OGC), Office of Enforcement and Compliance Assurance (OECA), and Office of Reinvention (OR).

2. Analysis of the Agency's Past Efforts in Coordinated Rulemakings

The Office of Reinvention conducted a study to provide a better understanding of the Agency's previous efforts to coordinate multi-media sector-based rulemakings to derive lessons learned that could inform such efforts in the future. The study, which consisted of a series of interviews, analyzed three past efforts to coordinate rulemaking within the Agency:

- C the Integrated Pulp and Paper Rule (air and water coordination),
- C the Pharmaceutical Manufacturers Rule (air and water coordination), and
- C the Hazardous Waste Combustors Rule (air and hazardous waste coordination).

The study listed several potential benefits from and barriers to coordinated rulemakings. The Study also revealed that coordination may occur in several different areas, and the degree of coordination in each of these areas will vary depending on a number of factors. The potential benefits, barriers, and factors are discussed below.

Potential Benefits

The Task Force recognizes that a case-by-case analysis is necessary to determine whether the following benefits would result from coordinating particular future rules:

- better solutions through a multi-media, holistic approach (e.g., pollutants are not just transferred from one medium to another; effort results in a more coherent, long-term strategy for regulation and improvement of the sector and its processes);
- stronger, more defensible rules (e.g., identification and resolution of inconsistencies and gaps; more accurate estimates of costs, benefits, and environmental impacts; more complete, up-front shared information);
- reduction of burden on industry and greater opportunities for pollution prevention;
- avoidance of duplication and conflict among Agency offices;
- fewer surprises (i.e., the environmental results tend to be as expected); and
- improved public, congressional, and other stakeholder perceptions that the Agency is operating efficiently.

Barriers

- Program offices are often on rigid time schedules for rule development and promulgation due to court order or statutory deadlines. Coordination often requires that offices be flexible and able to renegotiate schedules where possible.
- The opportunity to coordinate anticipated rules exists only when they will address similar facilities/sources, pollutants, or processes/operations.
- Coordination may add burden in terms of additional staff time and resources.

- Differences in definitions and statutory mandates (e.g., technology versus risk basis for a rule) may be encountered and need to be addressed.
- The facilities/sources, pollutants, or processes/operations need to be similar in order for coordination to work best.
- Affected sources often only have experts on environmental regulations in one media, not multi-media.

Factors Affecting Coordination

The analysis found that rules can be coordinated in varying degrees along a continuum of activities, including information/data gathering; information/data sharing; regulatory, technical and economic analysis; stakeholder involvement; scheduling; and implementation. Further, the analysis indicated that the degree of coordination within each of these activities along the continuum can vary from a low level of coordination (e.g., simple consultation between program offices) to a high level (i.e., a fully integrated effort between program offices). Figure 1 serves to illustrate these findings.

The analysis found a number of factors that can facilitate or hamper coordination. Where the more overlap or similarity exists with respect to each of these factors, the more likely it will be that coordination will be possible. The factors can be grouped generally as follows:

- regulatory factors (e.g., timetables, court-order deadlines, statutory requirements);
- technical factors (e.g., control technologies, process similarities and differences, pollution prevention opportunities);
- informational factors (e.g., data, cost/benefit impacts);
- implementation factors (e.g., reporting requirements, state permitting programs); and
- administrative factors (e.g., Agency resource availability).

Based on the above-listed factors, the Task Force developed a checklist that could be used to make determinations about the coordination potential for rulemakings. This checklist, included as Figure 2, served as guidance for the Task Force as it deliberated over the potential for coordinating the rulemakings referenced later in this report.

3. New Candidate Rulemakings for the FY 2000 Sector Action Plan

The Task Force concluded that coordinated rulemaking works best when programs coordinate from the beginning in determining how to solve a problem, rather than “forcing” coordination after separate efforts have begun working on separate solutions. Consideration of coordination should come naturally as a result of the Agency’s planning and budgeting process. The Task Force suggests that program offices should consider using coordinated rulemaking to assist them in solving environmental problems when future regulatory agendas are developed. If coordinated rulemaking does appear to be

part of the solution or agenda, the program offices will be more inclined to participate in the coordinated effort and take advantage of it as a tool.

Figure 1. Continuum of Coordinated Rulemaking Activities

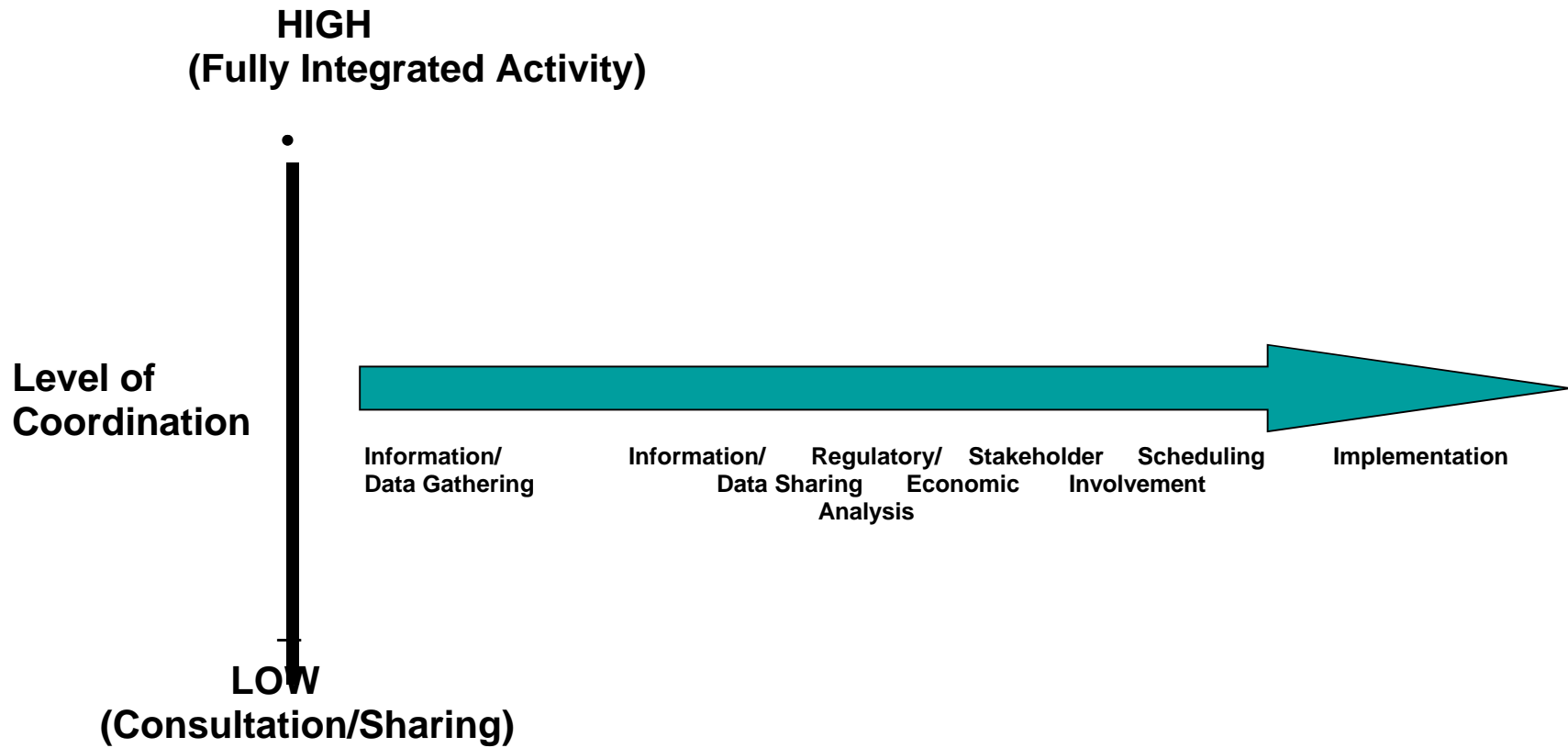


Figure 2
CHECKLIST FOR SCREENING COORDINATED RULEMAKING CANDIDATES

QUESTIONS	Y/N
REGULATORY REQUIREMENTS (“Yes” to Q1 and at least one item in Q2 required)	
1 Does candidate rulemaking share similar deadlines with new rulemakings in other media offices for similar facilities, sectors, pollutants, or process/operations? Or is it deadline neutral, allowing for adaptable schedule?	
2. Does the candidate rulemaking:	
1. address facilities/sources that are also the subject of new rulemakings in other media offices ?	
2. address pollutants that are also the subject of new rulemakings in other media offices?	
3. address processes/operations that are also the subject of new rulemakings in other media offices?	
TECHNICAL BENEFITS	
3. Would coordination provide opportunities for P2 and promote innovation through greater flexibility?	
4. Would coordination enable consideration of the interaction between the rules and the extent to which compliance with one rule would facilitate or impede compliance with the other?	
5. Would coordination enable companies to perform more comprehensive upgrades or retrofits, with better environmental results?	
6. Would coordination avoid transferring pollutants from one medium to another or allow for consideration of best overall approach?	
7. Would coordination reduce or eliminate potential duplication, inconsistency, or conflict among the rules?	
INFORMATION/ADMINISTRATIVE BENEFITS	
8. Would coordination and information sharing provide better information on facilities, current technologies, and/or current pollutant levels?	
9. Would coordination and information sharing provide more accurate, more realistic estimates of costs of rules?	
10. Would coordination and information sharing provide more accurate, more realistic estimates of environmental impacts of rules?	
11. Would coordination result in the development of more defensible rules, based on resolution of inconsistencies and other issues in advance?	
INDUSTRY AND OTHER STAKEHOLDER BENEFITS	
12. Would coordination reduce burden on industry through reduction or elimination of duplication or inconsistencies in the rules, particularly with respect to record keeping, reporting, and monitoring requirements?	
13. Would coordination reduce burdens and confusion for state and local agencies and facilitate implementation?	
14. Would coordination provide any benefits for stakeholder participation?	
POTENTIAL COSTS	
15. Would additional staff time and resources required be reasonable?	
16. Would any delays in schedules be reasonable?	
TOTAL NUMBER OF “YES” RESPONSES	

That said, one of the objectives of the Task Force was to find sectors for which to conduct cross-office coordination in rulemaking; that is, to look for sectors where the coordinated rulemaking tool could be used (tool driving the work). In the future, the Agency's work with sectors should consider the benefits of coordinated rulemaking to solve environmental problems (work driving selection of tool). This approach argues for establishing an on-going process within the Agency whereby representatives from all program offices can meet on a regular basis to discuss sector work and how coordinated rulemakings may serve to solve problems within these sectors. Options for this on-going process are discussed in more detail later in this paper.

To identify candidates for cross-office coordination in rulemaking, the Task Force focused on those sectors where statutory, court-ordered schedules, or program priorities were driving a rulemaking. Thus, the Task Force looked closely at the National Air Toxics Program activities under the Integrated Urban Strategy¹ and the Residual Risk Standards², and in the Water program, which is required to select (this calendar year) two sectors for effluent guidelines.

As a threshold issue, the Task Force examined whether future rulemakings would address similar facilities/sources, pollutants, or processes/operations. The Task Force identified only a limited universe of anticipated or potential rulemakings in different media offices that are linked in this way. Among the reasons were a limited number of anticipated future rulemakings from some program offices and a limited number of cases in which two or more office's priorities for regulation overlapped.

Based upon its examination of potential rulemakings, the Task Force recommends that mercury cell chloralkalai plants, publicly owned treatment works (POTWs), animal feeding operations (AFOs), and public water systems be included in the FY 2000 SBEP Action Plan for cross-office regulatory coordination. Presented below are details about these sectors and a description of the role that each of the program offices anticipates playing within the coordinated process.

Mercury Cell Chloralkali Plants. This sector is a good candidate for information sharing. Chloralkalai production using the mercury cell process, which is the only chloralkalai process using mercury, accounted for nearly 15 percent of all U.S. mercury production in 1993. There currently are 14 mercury cell chloralkalai plants in operation in the U.S. today. The chloralkalai industry is the largest user of mercury. OW currently is reviewing data regarding wastewater discharges from chloralkalai plants and is considering selection of this sector for an effluent guideline. OAR plans to propose a MACT standard for this industry in February 2000, with a final rule in 2001. This MACT is being promulgated as part of the 10-year MACTs and also is

¹The Integrated Urban Strategy focuses on area source categories of air toxics in urban areas. As problem areas are identified, regulatory action will be undertaken for these categories over the next ten years.

²Residual Risk assessments are required within eight years after promulgation of all MACT standards to determine if residual risks remain that must be addressed via a rulemaking.

included in the Agency's Mercury Strategy. OSW will be involved if the emission residue captured under the new MACT is a characteristic waste, in which case it would be subject to the new RCRA treatment standards. OSW may coordinate economic assessments to assess the combined economic impact of all regulatory activities on this sector. The cross-program Persistent, Bioaccumulative & Toxic Pollutant Initiative (PBTI) is interested in this sector as it is a major source of mercury and therefore included in the PBTI mercury national action plan. The PBTI is funding several pollution prevention projects with this industry, based on the industry's public commitment to reduce mercury use by 50% by 2005.

Publicly Owned Treatment Works (POTWs). This sector is a good candidate for coordination at the information gathering stage of the rulemaking process. In addition, there is an opportunity for OW and OAR to work together with municipalities to address their concerns during the rulemaking process. OW may need to promulgate effluent guidelines for industrial users of POTWs if pretreatment standards are identified as a potential solution to specific POTW environmental concerns. OAR has listed this new area source category for regulation under the Air Toxics Program's Integrated Urban Strategy and will begin gathering data in 2000 working towards promulgation in 2004. OSW based its temporary exclusion for leachate from municipal solid waste landfills (MSWLFs) (containing petroleum waste) going to POTWs on the fact that OW is developing pretreatment standards. If OW finalizes their rule, then OSW will keep the exclusion and perhaps make it permanent. Also, if OW develops pretreatment standards for hazardous waste management units, OSW will extend the exclusion to cover them. OSW also is including exclusions in all new listings for wastewaters where OW is developing pretreatment standards. In addition, OSW may pursue an air characteristic rule that may reduce the air loading that comes from the wastes generated by POTWs. Finally, OPPTS has received numerous comments from POTWs on the Agency's draft PBT Strategy **and will coordinate with other offices in developing responses to these comments.**

Animal Feeding Operations. This sector is a good candidate for coordination at the information gathering stage. OW is revising the effluent guideline for animal feedlots for pork, poultry, beef, and dairy operations and issuing a new permit rule that will make many more animal feeding operations subject to permitting. OAR currently is reviewing the health data on toxic emissions from feedlots to respond to a petition to list certain emissions as hazardous under the Clean Air Act. The results of that review will allow OAR to determine the appropriate strategy to address the air quality concerns from these facilities.

Public Water Systems. EPA currently is working on a radon-in-drinking water standard for public water systems that under certain circumstances would allow efforts to reduce risks from radon in indoor air to substitute for efforts to reduce risks from radon in drinking water. The 1996 amendments to the Safe Drinking Water Act (SDWA) set out the framework for a multi-media approach for addressing the public health risks from radon in drinking water and radon in indoor air from soil. In August 1999, EPA will be proposing a National Primary Drinking Water Regulation (NPDWR) for radon based on this multi-media approach. This approach is designed to achieve greater indoor radon risk reduction in

conjunction with public water systems providing protection from the highest levels of radon in ground-water supplies. OW and OAR have been closely collaborating to develop a cohesive multi-media approach that effectively integrates regulation of radon in drinking water and programs to reduce radon in indoor air.

This statutory-based framework reflects characteristics uniquely specific to radon among drinking water contaminants: that the relative cost-effectiveness of reducing risk from exposure to radon is substantially greater for a non-drinking water source of exposure than it is from drinking water. The risks, as well as the potential for risk reduction, are much greater for radon in indoor air. SDWA directs EPA to promulgate a maximum contaminant level (MCL) for radon in drinking water, but also to make available a higher alternative maximum contaminant level (AMCL) accompanied by a multi-media mitigation (MMM) program to address indoor radon risks. If a State has an EPA-approved MMM program, public water systems in that State may comply with the higher AMCL in lieu of the MCL. In the absence of an approved-State program, public water systems wishing to comply with the AMCL may develop and implement a local MMM program. The proposed framework for MMM is modeled on and augments the National Indoor Radon Program implemented by EPA, the States, and others. The criteria for approval of MMM program plans include public participation in development of the plans, goal-setting, development of program strategies in priority areas to get voluntary public and institutional action, and evaluation of results.

4. Possible Future Opportunity for Coordination

The Task Force identified the petroleum sector as one that might present future rulemaking coordination opportunities across the Agency, but the degree of potential will depend significantly upon the Agency's future determination of whether a residual risk for toxic air emissions from refineries is warranted or not. The potential for rulemaking coordination should be assessed after the determination is made.

Several EPA activities are relevant to petroleum refineries. OW completed a preliminary effluent guideline study for this sector a couple of years ago. Although this industry has not yet been targeted for regulatory revision, the study identified several improvements in flow and loadings reductions that are being achieved by some facilities. These improvements may be applicable industry-wide. OAR will be considering whether additional regulation of hazardous air pollutants from petroleum refineries is warranted. Under the Clean Air Act, EPA must evaluate, for all source categories with maximum achievable control technology standards, whether residual risks from air toxics warrant additional standards to protect public health and the environment. If a determination were made to develop residual risk standards for petroleum refineries, then EPA would be required to promulgate a rule by 2003. OSWER continues to lead the NACEPT Petroleum Refining Workgroup. OSW currently is coordinating with OECA, OGC, and OAQPS on fugitive emissions monitoring and consolidated air reporting projects. Also, OSW may pursue an air characteristic that may apply to this sector. Finally, OPPTS, via the cross-Agency PBTI, will be evaluating the potential role of this sector as a documented

source of polyaromatic hydrocarbons (PAHs), for purposes of reducing benzo(a)pyrene and potentially other PAH releases.

5. Other Opportunities for Programmatic Coordination

As the Task Force examined the current opportunities for coordination in future rulemakings, it discovered a number of other opportunities for coordination across program offices that may, but do not necessarily, result in a rulemaking. Examples of these coordination opportunities include:

- multi-program coordination on a single rulemaking (e.g., contaminated rags and wipes)
- non-regulatory initiatives and potential rulemakings (e.g., the interaction between the PBT Initiative and Residual Risk Standards);
- non-regulatory activities (e.g., multiple PBT chemicals affecting a single sector); and
- non-regulatory, non-sector-related efforts (e.g., contaminated sediments strategy).

The need for these other multi-program coordination opportunities was an important finding of the Task Force that transcends the scope of the Task Force's original charter. The Task Force believes that successful coordination need not be limited to those efforts resulting in a coordinated rulemaking. While coordinated rulemaking may be one tool for solving identified problems, there may be other approaches for solving problems that would benefit from cross-Agency effort. This finding points to the need for regular, proactive coordination amongst the Agency program offices to assure that the Agency is working together to construct integrated solutions for solving environmental problems. This finding provides additional support for setting up an on-going Agency coordinating process described later in this paper.

The following discussion provides more detail regarding the above-listed opportunities for programmatic coordination.

Solvent-Contaminated Shop Towels and Rags. OSW, OW, and OR have formed a successful partnership to work on environmental issues associated with the management of industrial shop towels, rags, and wipes contaminated with hazardous solvents. This partnership first worked closely together while OW addressed solvents issues related to industrial shop towels managed at industrial laundries. These offices are now pursuing a rule under RCRA that would address in a more comprehensive and multi-media manner the management of both disposable rags and wipes and reusable shop towels contaminated with hazardous solvents. Using the RCRA approach, the Agency believes it can foster greater pollution prevention and more effective solvents management. In addition to substantive cooperation, each office also is sharing funding on this project.

Persistent Bioaccumulative Toxics Strategy. The goal of this strategy is to use a mix of regulatory and non-regulatory actions to further reduce risks to human health and the environment from existing and future exposure to priority persistent, bioaccumulative, and toxic (PBT) pollutants. These

pollutants pose risks because they are toxic, persist in ecosystems, and accumulate in the food chain. The PBT challenges stem from the pollutants' ability to travel long distances; to transfer easily among air, water, and land media; and to linger for generations, limiting the success of EPA's traditional single-statute approaches to reducing risks from PBTs. EPA is committing, through this strategy, to create an enduring cross-office system that will address the cross-media issues associated with priority PBT pollutants.

The Agency is developing action plans for the initial 12 PBT pollutants identified in the Binational Strategy using the full range of tools to prevent and reduce releases of PBTs. These tools include international, voluntary, regulatory, programmatic, remedial, compliance monitoring and assistance, enforcement, research, and outreach tools. EPA will analyze PBT pollutant sources and reduction options as the basis for grouping pollutants, and activities within sectors to maximize efficiencies in achieving reductions. EPA will integrate and sequence actions within and across action plans, and will seek to leverage these actions on international and industry-sector bases.

To date, only the Mercury Action Plan has been prepared. (OPPT plans to have the remaining 11 plans compiled by the end of 1999.) The Mercury Action Plan provides an initial indication of how interoffice coordination will yield results in the PBT program. The Mercury Action Plan includes a pilot project to investigate the methods for understanding and reducing mercury air emissions that may contaminate our nation's water bodies. The pilot project will look at the Florida Everglades and Devil's Lake in Wisconsin, both on their state's list of impaired waters. This project ultimately will help states develop Total Maximum Daily Loads (TMDLs) for water bodies contaminated with mercury.

Agency efforts to reduce/eliminate mercury serve as an example of how intra-Agency coordination can assist in identifying areas of potential overlap or conflict and can result in a more robust solution to an environmental problem. OAR is assessing the residual risk from medical waste incinerators to determine whether additional air emission standards are necessary for this major source of mercury air emissions. OAR plans to conduct this assessment over the next several years. At the same time, OPPTS is facilitating the development of an action plan to address mercury as a PBT chemical. As part of this action plan, the Agency has entered into a Memorandum of Understanding with the American Hospital Association to investigate actions, such as eliminating the use of mercury thermometers, that would prevent combustion of mercury-containing waste in the hospital incinerators. This MOU could have a profound effect on the results of OAR's risk assessment, thus establishing the need for corresponding Agency coordination.

Contaminated Sediment Strategy. To address the ecological and human health risks that contaminated sediments pose in many U.S. watersheds, the Agency has crafted a Contaminated Sediment Management Strategy. The Strategy summarizes the Agency's understanding of the extent and severity of sediment contamination, including uncertainties about the dimension of the problem. It describes the cross-program policy framework in which the Agency intends to promote consideration and reduction of ecological and human health risks posed by sediment contamination. The Strategy

establishes four goals to manage the problem of contaminated sediment, and describes actions the Agency intends to take to accomplish these goals. The goals are: 1) to control sources of sediment contamination and prevent the volume of contaminated sediment from increasing; 2) to reduce the volume of existing (in-place) contaminated sediment; 3) to ensure that sediment dredging and dredged material disposal are managed in an environmentally sound manner; and 4) to develop a range of scientifically sound sediment management tools for use in pollution prevention, source control, remediation and dredged material management. OSWER, OW, and EPA's regional offices are working together to implement this strategy.

6. Proposal for an On-Going Process to Coordinate Sector Activity

The final objective of the Task Force was to propose an on-going process to identify and encourage early, proactive coordination of rulemaking activities across the Agency. As discussed above, the Task Force found that this process should not be limited to rulemaking activities; it should involve non-regulatory multimedia efforts as well, particularly where they impact a specific sector or sectors.

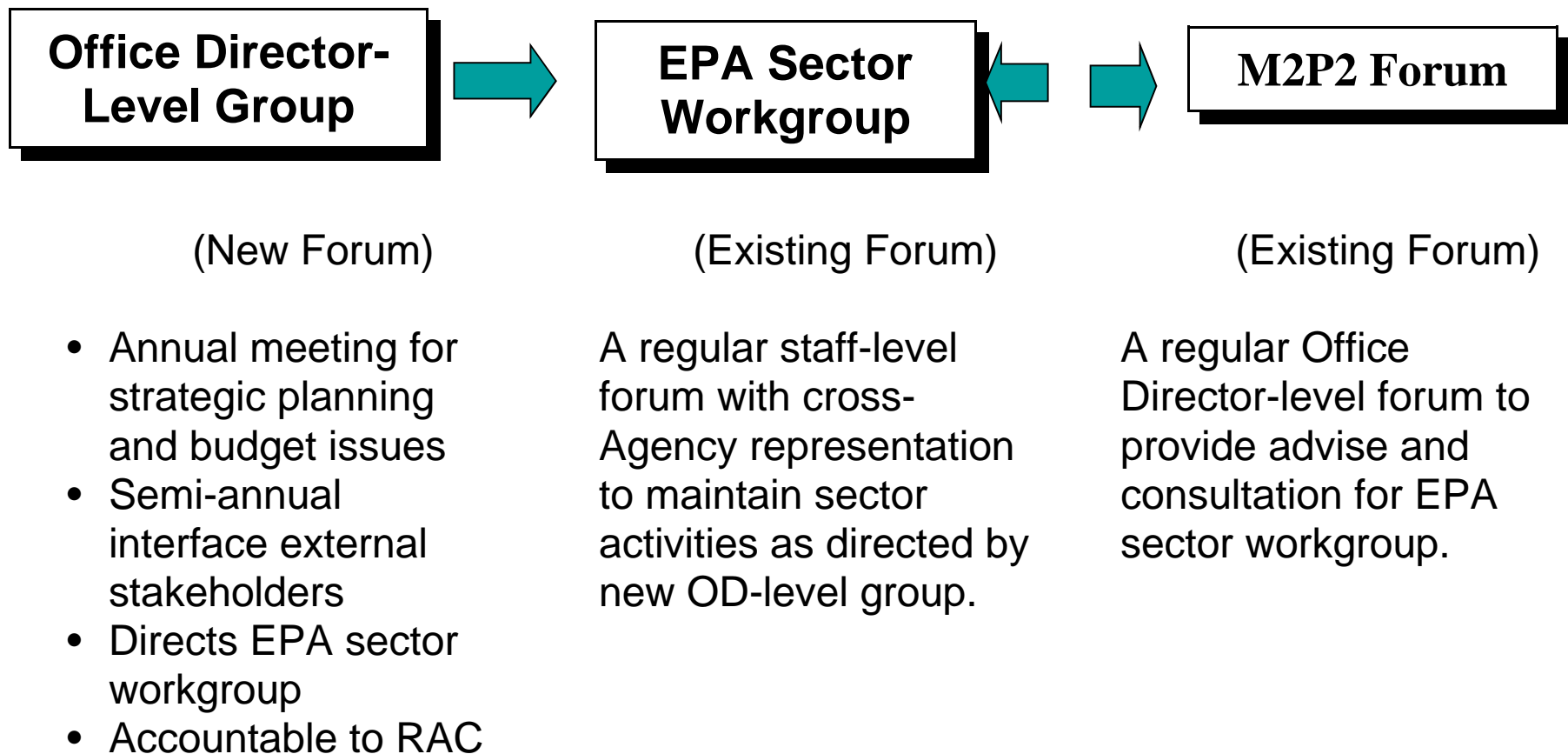
The Task Force proposes an on-going process for coordinating sector activities across the Agency, both regulatory and non-regulatory, that involves three fora as illustrated in Figure 3. The process envisions the gathering of Agency Office Directors at an annual meeting to discuss strategic planning and budget issues relative to sector activities occurring in their respective program offices. The Office Directors attending these annual meetings would be supported with sufficient staff preparations and pre-briefings to provide an understanding of activities occurring in other Agency offices, ensuring full engagement by decision makers. After the annual planning meeting, and once more during the course of the year, these Office Directors would meet with external stakeholders to report on Agency sector activities and to hear any issues raised by the stakeholders. This new Office Director-level forum would be accountable to the Reinvention Action Council (RAC) and thus would have the attention of senior managers in the Agency. It is this type of senior management attention that external stakeholders desire.

Subsequent to their planning meeting and interface with external stakeholders, the Office Director-level group would provide direction to an existing staff-level Agency Sector Workgroup for ensuring on-going, cross-Agency coordination and implementation of sector activities. The Agency Sector Workgroup, originally convened to help draft the FY 99 Sector Action Plan, now meets regularly to discuss development of the FY 2000 Sector Action Plan and other sector-related issues. The Sector Workgroup includes individuals representing all of the Agency's program offices with an interest in sector-related activity.

As the Agency Sector Workgroup conducts its business during the course of the year, it may have a need to seek senior-level Agency management advise and consultation that cannot wait

Figure 3

On-Going Process For Sector Coordination



for the annual meeting of the new Office Director-level group mentioned above. To address this need, the Sector Workgroup could address their issues to the existing Multi-Media and Pollution Prevention (M2P2) Forum. This Office Director-level forum was established by Deputy Administrator Fred Hansen in 1997 to examine a variety of multi-media and pollution prevention issues across the Agency. This Forum continues to meet quarterly and could serve as a venue for discussing coordination of cross-Agency activities affecting a particular sector or sectors. Because a number of the Office Directors on the M2P2 Forum would also be representatives on the new Office Director-level group mentioned earlier, we would see some continuity in decision-making at the senior management level. The M2P2 Forum endorsed this proposal at their last meeting (July 1, 1999) and agreed to this support role, rather than a lead role, given their current competing priorities with the PBTI. The value of a support role was acknowledged at the Forum's recent meeting, given the connection between PBTI efforts and sector efforts.

Finally, as part of this proposed process for on-going coordination, the Task Force recommends that management and staff who conduct prospective cross-Agency planning/coordination be encouraged with incentives to acknowledge the difficulty of traditional workgroup participation and to recognize efforts that go beyond normal duties. We recognize that the recent Report of the Innovations Task Force includes similar recommendations for development and implementation of a recognition and reward program for Agency staff who have attained significant achievements through innovation and creativity. We propose that implementation of the Innovations Task Force recommendation include consideration of the incentives/award program being recommended by the Coordinated Rulemaking Task Force.

7. Conclusion

The Task Force on Coordinated Rulemaking served as an important forum for identifying specific candidates for current coordinated rulemaking efforts and for recognizing the benefits of continued coordination, both regulatory and non-regulatory, in the future. As the Agency continues to seek new and innovative ways to solve environmental problems, it is imperative that it creates routine processes to ensure coordination of cross-Agency solutions to these problems. The range of non-regulatory coordination currently underway suggests that we can build these recommendations on a solid foundation. This Task Force is committing its respective program office staff to follow through on the regulatory coordination identified in this report. A senior management group, as proposed above, should evaluate these efforts over the next year while planning now for the next generation of opportunities.